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July 13, 2021

Via ECF

The Honorable Paul A. Engelmeyer
United States District Court
Southern District of New York
Thurgood Marshall US Courthouse
40 Foley Square
New York, NY 10007

Re: Kares Management, Inc. v. ADP, LLC, 1:21-cv-02084 (PAE)

Dear Judge Engelmeyer:

We write on behalf of the Parties in the above-referenced matter. During the case management conference on July 6, Your Honor encouraged the parties to pursue alternate dispute resolution mechanisms to resolve this matter. Since that conference, the parties have agreed to participate in private mediation in the next sixty days with a former federal judge or other qualified privately-retained mediator.

The current Case Management Order sets the following briefing schedule for Defendant's response to the Amended Complaint:

- a. By July 16, 2021, Defendant shall (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying Plaintiff, stating that they rely on the previously filed motion to dismiss;
- b. If Defendant files a new motion to dismiss or relies on its previously filed motion to dismiss, Plaintiff shall serve any opposition to the motion to dismiss by July 30, 2021; and
- c. Defendant's reply, if any, shall be served by August 6, 2021.

The Court also asked that Defense counsel notify the Court prior to July 16 if it intends to file a motion to dismiss and a motion for a stay of discovery pending the Court's decision on that motion.

While Plaintiff does intend to file a motion to dismiss and stay discovery, the parties respectfully request that the Court adjourn the current briefing schedule for the motion to dismiss and stay discovery pending the outcome of the mediation. If a settlement is not reached at that mediation, the parties shall promptly notify the Court and adhere to the following revised briefing schedule:

- a. Within fourteen days of the mediation session, Defendant shall file (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss;
- b. Within fourteen days of the filing of a motion to dismiss and discovery stay, Plaintiff shall serve any opposition to those motions;
- c. Defendants' replies, if any, shall be served within seven days of Plaintiff's opposition.

This revised briefing schedule shall not affect any other dates in the Case Management Order.

The parties sincerely believe that proceeding in this fashion will best facilitate a potential resolution of this matter without the need for further litigation.

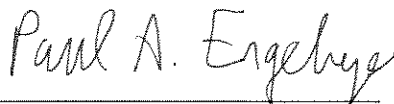
Respectfully,



Eric T. Kanefsky, Esq.,
Calcagni & Kanefsky LLP

Granted, on the condition that the mediation go forward within 60 days of the date of this order. In the event that mediation does not go forward in this time, the parties are to submit forthwith a letter with a proposed briefing schedule for defendant's anticipated motion to dismiss and an amended plan for discovery. Discovery is stayed pending the Court's resolution of defendant's anticipated motion to dismiss.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

July 14, 2021